



Housing and Planning Act 1986

1986 CHAPTER 63

PART VI

MISCELLANEOUS PROVISIONS

England and Wales

43 Compulsory acquisition of land on behalf of parish or community councils

For section 125 of the Local Government Act 1972 (compulsory acquisition of land on behalf of parish or community councils) substitute—

“125 Compulsory acquisition of land on behalf of parish or community councils.

- (1) If a parish or community council are unable to acquire by agreement under section 124 above and on reasonable terms suitable land for a purpose for which they are authorised to acquire land other than—
 - (a) the purpose specified in section 124(1)(b) above, or
 - (b) a purpose in relation to which the power of acquisition is by an enactment expressly limited to acquisition by agreement,they may represent the case to the council of the district in which the parish or community is situated.
- (2) If the district council are satisfied that suitable land for the purpose cannot be acquired on reasonable terms by agreement, they may be authorised by the Secretary of State to purchase compulsorily the land or part of it; and the Acquisition of Land Act 1981 shall apply in relation to the purchase.
- (3) The district council in making and the Secretary of State in confirming an order for the purposes of this section shall have regard to the extent of land held in the neighbourhood by an owner and to the convenience of other property belonging

Status: This is the original version (as it was originally enacted).

to the same owner and shall, as far as practicable, avoid taking an undue or inconvenient quantity of land from any one owner.

- (4) The order shall be carried into effect by the district council but the land when acquired shall be conveyed to the parish or community council; and accordingly in construing for the purposes of this section and of the order any enactment applying in relation to the compulsory acquisition, the parish or community council or the district council, or the two councils jointly, shall, as the case may require, be treated as the acquiring authority.
- (5) The district council may recover from the parish or community council the expenses incurred by them in connection with the acquisition of land under this section.
- (6) If a parish or community council make representations to a district council with a view to the making of an order under this section and the district council—
- (a) refuse to make an order, or
 - (b) do not make an order within 8 weeks from the making of the representations or such longer period as may be agreed between the two councils,
- the parish or community council may petition the Secretary of State who may make the order, and this section and the provisions of the Acquisition of Land Act 1981 shall apply as if the order had been made by the district council and confirmed by the Secretary of State.
- (7) In the application of this section to a parish or community council for a group of parishes or communities—
- (a) references to the parish or community shall be construed as references to the area of the group, and
 - (b) if different parts of the area of the group lie in different districts, references to the council of the district in which the parish or community is situated shall be construed as references to the councils of each of the districts acting jointly.”.